

United States District Court
FOR THE

NORTHERN DISTRICT OF CALIFORNIA 2:50
CRIMINAL DIVISION

VENUE: SAN FRANCISCO W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

CR 06 v. 0538 SI

DWIGHT GILCHRIST.

DEFENDANT.

INDICTMENT

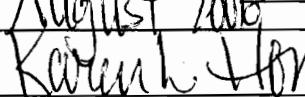
18 U.S.C. § 1344(1) and (2) - Bank Fraud;
18 U.S.C. § 656 Embezzlement

A true bill.



Foreman

Filed in open court this 1st day of



KAREN L. ROM


JOSEPH C. SPERO
UNITED STATES MAGISTRATE JUDGE

Bail, \$ no bail amount worth

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. Sec. 1344(1) & (2) -- Bank Fraud
 18 U.S.C. Sec. 656 -- Embezzlement

Petty
 Minor
 Misde-
 mense-
 Felony

PENALTY:

max. penalty for both charges: 30 years imprisonment;
\$1,000,000 fine; 5 years supervised release; \$100 special
assessment

PROCEEDING

Name of Complainant Agency, or Person (&Title, if any)

FBI

person is awaiting trial in another Federal or State
Court, give name of court

this person/proceeding is transferred from another
district per (circle one) FRCrP 20, 21 or 40. Show
District

this is a re-prosecution of
charges previously dismissed
which were dismissed on
motion of:

U.S. Att'y Defense

this prosecution relates to a
pending case involving this same
defendant

prior proceedings or appearance(s)
before U.S. Magistrate regarding
this defendant were recorded under

SHOW
DOCKET NO.

MAGISTRATE
CASE NO.

Name and Office of Person
Furnishing Information on
THIS FORM

KEVIN V. RYAN

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y
(if assigned)

AUSA Stacey Geis

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

FILED

DEFENDANT - U.S.
06 AUG -1 PM 2:50

Dwight Gilchrist, HARD W. WILKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
DISTRICT COURT NUMBER

CR 06 0538

SI

DEFENDANT

IS NOT IN CUSTODY

1) Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons
was served on above charges

2) Is a Fugitive

3) Is on Bail or Release from (show District)

IS IN CUSTODY

4) On this charge

5) On another conviction

6) Awaiting trial on other
charges } Fed'l State

If answer to (6) is "Yes", show name of institution

Has detainer
been filed? Yes } If "Yes"
 No } give date
filed

Month/Day/Year

DATE OF
ARREST

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED
TO U.S. CUSTODY

This report amends AO 257 previously submitted

PROCESS:

SUMMONS NO PROCESS*

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons
or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

1 KEVIN V. RYAN (CASBN 118321)
2 United States Attorney
3
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5
6

FILED

06 AUG -1 PM 2:50

7 RICHARD W. WIEKING
8 CLERK, U.S. DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15
16

17 UNITED STATES OF AMERICA CR } 06 0538 SI
18 Plaintiff, }
19 v. }
20 DWIGHT GILCHRIST, aka Michael }
21 Colston, David Bangsberg, and Bruce }
22 Gilchrist, }
23 Defendant. }
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NO. VIOLATIONS:
18 U.S.C. § 1344(1) & (2) – Bank Fraud;
18 U.S.C. § 656 – Embezzlement of Bank
Funds

SAN FRANCISCO VENUE

18 INDICTMENT

19 The Grand Jury charges:

20 INTRODUCTION

21 At all times relevant to this information:

22 1. Wells Fargo Bank N.A. (“Wells Fargo Bank”), was a financial institution,
23 within the meaning of 18 U.S.C. § 20, the deposits of which were insured by the Federal
24 Deposit Insurance Corporation.

25 2. Defendant Dwight Gilchrist (“GILCHRIST”), also known as Michael
26 Colston, David Bangsberg, and Bruce Gilchrist, resided at 5000 Scotia Avenue, Oakland,
27 California and 2697 Fisher Avenue, Oakland, California. He worked at Wells Fargo
28 Bank as a collector in the Overdraft Collections Unit.

WV

THE SCHEME TO DEFRAUD WELLS FARGO BANK

3. Between, in or about March 1998 and December 2001, both dates being approximate and inclusive, in the Northern District of California and elsewhere, the defendant,

DWIGHT GILCHRIST,
aka Michael Colston, David Bangsberg, and Bruce Gilchrist,

did knowingly and intentionally execute and attempt to execute a material scheme and artifice to defraud a financial institution, specifically, Wells Fargo Bank, and to obtain monies and funds owned by and under the custody and control of a financial institution, by means of materially false and fraudulent pretenses, representations, and promises, well knowing that the pretenses, representations, and promises were materially false when made.

A. The Scheme to Embezzle Funds from Wells Fargo Bank

4. It was part of the scheme to defraud that GILCHRIST, using the fictitious name Michael Colston, an identity he created by using the social security number of another person, applied for and received a job working in the Overdraft Collections Unit at Wells Fargo Bank. Between on or about March 17, 1998, and March 23, 1998, GILCHRIST added the name "Dwight Gilchrist" as an authorized account holder to at least fourteen (14) Wells Fargo Bank accounts using the Wells Fargo Bank computer system and Michael Colston's log-on identification code.

5. In or around March 1998, GILCHRIST, visited several Wells Fargo Bank branch offices and withdrew money from nine of the fourteen accounts by presenting identification showing that GILCHRIST was "Dwight Gilchrist" – an authorized account holder for the various accounts.

6. Through this scheme, GILCHRIST defrauded Wells Fargo Bank of approximately \$13,000.

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1 B. The Check Kiting Scheme

2 7. It was also part of the scheme that GILCHRIST, when he was no longer an
3 employee at Wells Fargo Bank, used his own name, along with two fictitious names
4 “Bruce Gilchrist” and “David Daryl Bangsberg” – to open numerous bank accounts at
5 Wells Fargo Bank. GILCHRIST created the two fake identities by using the Social
6 Security numbers of other persons.

7 8. It was further part of the scheme that GILCHRIST made material
8 misrepresentations to Wells Fargo Bank by creating checks from non-existent and closed
9 accounts, forging the signatures of real persons whom he did not know onto these checks,
10 and then presenting these fraudulent checks to Wells Fargo Bank for deposit.
11 GILCHRIST deposited the fraudulent checks knowing that the checks would be returned
12 because the bank accounts on which they were drawn either did not exist or were closed.
13 GILCHRIST further knew that the signatures on the checks, which were presented to
14 Wells Fargo Bank, were forged, and/or the endorsement was forged.

15 9. Within one to two days of depositing the fraudulent checks, GILCHRIST
16 withdrew large amounts of money from the various Wells Fargo Bank accounts. Doing
17 so left Wells Fargo Bank with inadequate time to process, and ultimately reject, the
18 fraudulent checks. At the time he made the withdrawals, GILCHRIST knew that the
19 Wells Fargo Bank account from which he made the withdrawals did not have adequate
20 funds.

21 10. GILCHRIST defrauded Wells Fargo Bank of approximately \$130,000 by
22 employing this scheme, which included, but was not limited to, conducting the following
23 fraudulent transactions:

24 a. On October 4, 1999, GILCHRIST opened Wells Fargo Bank account
25 number 6013-423496 using the name of “Dwight Gilchrist”. Between
26 February 28 and February 29, 2000, GILCHRIST deposited two forged
27 checks, totaling approximately \$16,600.00. On February 29, 2000,
28 GILCHRIST withdrew \$8,000 from the account. At the time of the

1 withdrawal, GILCHRIST knew that the account did not have sufficient
2 funds to cover the withdrawal. The two deposited checks were
3 subsequently returned by Wells Fargo Bank based on non-existent or closed
4 accounts.

5 b. On October 4, 1999, GILCHRIST opened Wells Fargo Bank account
6 number 0047-021753 using the name "Dwight Gilchrist." Between
7 February 28 and February 29, 2000, GILCHRIST deposited two forged
8 checks, totaling approximately \$16,400.00. On February 28 and February
9 29, 2000, GILCHRIST withdrew \$17,000 from the account. At the time of
10 the withdrawal, GILCHRIST knew that the account did not have sufficient
11 funds to cover the withdrawals. The deposited checks were subsequently
12 returned by Wells Fargo Bank based on closed accounts.

13 c. On September 28, 1999 GILCHRIST opened Wells Fargo Bank account
14 number 0592-768253 using the name "David Daryl Bangsberg." On
15 November 21, 2000, GILCHRIST deposited three forged checks, totaling
16 approximately \$5,800.00. On November 24, 2000, GILCHRIST withdrew
17 approximately \$5,900 from the account. At the time of the withdrawal,
18 GILCHRIST knew that the account did not have sufficient funds to cover
19 the withdrawal. The deposited checks were subsequently returned by Wells
20 Fargo Bank based on non-existent or unidentifiable accounts.

21 d. On November 17, 2000, GILCHRIST opened Wells Fargo Bank account
22 number 0117-927335 using the name "David Daryl Bangsberg." On
23 November 21, 2000, GILCHRIST deposited twelve checks, eleven of which
24 contained forged signatures, and one of which contained a forged
25 endorsement, totaling approximately \$19,500.00. Between November 21
26 and November 22, 2000, GILCHRIST withdrew approximately \$19,400
27 from the account. At the time of the withdrawal, GILCHRIST knew that
28 the account did not have sufficient funds to cover the withdrawals. The

1 deposited checks were subsequently returned by Wells Fargo Bank based on
2 non-existent or unidentifiable accounts.

3 e. On October 8, 1999, GILCHRIST opened Wells Fargo Bank account
4 number 0087-065835, using the name "Bruce Gilchrist." Between May 14
5 and May 17, 2001, GILCHRIST deposited five forged checks, totaling
6 approximately \$22,000.00. Between May 15 and May 17, 2001,
7 GILCHRIST withdrew approximately \$15,000 from the account. At the
8 time of the withdrawal, GILCHRIST knew that the account did not have
9 sufficient funds to cover the withdrawals. The deposited checks were
10 subsequently returned by Wells Fargo Bank based on non-existent or
11 unidentifiable accounts.

12 f. On March 19, 2001 GILCHRIST opened Wells Fargo Bank account
13 number 2017-649096, using the name "Bruce Gilchrist." Between May 14
14 and May 17, 2001, GILCHRIST deposited five forged checks, totaling
15 approximately \$22,000.00. Between May 15 and May 17, 2001,
16 GILCHRIST withdrew approximately \$12,000 from the account. At the
17 time of the withdrawal, GILCHRIST knew that the account did not have
18 sufficient funds to cover the withdrawals. The deposited checks were
19 subsequently returned by Wells Fargo Bank based on non-existent or
20 unidentifiable accounts.

21 g. On March 19, 2001 GILCHRIST opened Wells Fargo Bank account
22 number 2015-976285, using the name "Bruce Gilchrist." Between May 14
23 and May 17, 2001, GILCHRIST deposited five forged checks, totaling
24 approximately \$26,000.00. Between May 15 and May 17, 2001,
25 GILCHRIST withdrew approximately \$12,800 from the account. At the
26 time of the withdrawal, GILCHRIST knew that the account did not have
27 sufficient funds to cover the withdrawals. The deposited checks were
28 subsequently returned by Wells Fargo Bank based on closed, non-existent,

unidentifiable accounts, or for insufficient funds.

h. On March 29, 2001 GILCHRIST opened Wells Fargo Bank account number 2017-969429, using the name "Bruce Gilchrist." Between May 14 and May 17, 2001, GILCHRIST deposited five forged checks, totaling approximately \$26,000.00. Between May 15 and May 17, 2001, GILCHRIST withdrew approximately \$15,000 from the account. At the time of the withdrawal, GILCHRIST knew that the account did not have sufficient funds to cover the withdrawals. The deposited checks were subsequently returned by Wells Fargo Bank based on non-existent or unidentifiable accounts.

COUNTS ONE THROUGH TEN: (18 U.S.C. § 656 – Embezzlement)

11. Paragraphs 1 through 10 are realleged as if fully set forth herein.

12. On or about the following dates, in the Northern District of California and elsewhere, the defendant,

DWIGHT GILCHRIST,
aka Michael Colston, David Bangsberg, and Bruce Gilchrist,

being an employee of Wells Fargo Bank, an insured bank, did knowingly embezzle, abstract, purloin, and willfully misapply monies, funds and assets belonging to and entrusted to the custody and care of said bank, in excess of \$1000, as set forth below:

Count	Approx. Date	Amounts Withdrawn	From Wells Fargo Account No.	To
ONE	March 18, 1998	\$750.00	6841-656168	Dwight Gilchrist
TWO	March 20, 1998	\$800.00	0290-967009	Dwight Gilchrist
THREE	March 21, 1998	\$900.00	0072-379167	Dwight Gilchrist
FOUR	March 21, 1998	\$900.00	0290-967009	Dwight Gilchrist
FIVE	March 21, 1998	\$900.00	6107-491235	Dwight Gilchrist
SIX	March 21, 1998	\$1,000.00	0285-721809	Dwight Gilchrist

Count	Approx. Date	Amounts Withdrawn	From Wells Fargo Account No.	To
SEVEN	March 21, 1998	\$1,850.00	0728-974544	Dwight Gilchrist
EIGHT	March 23, 1998	\$2,000.00	0290-967009	Dwight Gilchrist
NINE	March 23, 1998	\$2,000.00	0072-379167	Dwight Gilchrist
TEN	March 23, 1998	\$2,000.00	6107-491235	Dwight Gilchrist

All in violation of Title 18, United States Code, Section 656.

COUNTS ELEVEN THROUGH EIGHTEEN: 18 U.S.C. § 1344(1) & (2) (Bank Fraud)

12. Paragraphs 1 through 10 are realleged as if fully set forth herein.

13. Between in or around February 2000 and June 2001, in the Northern
14 District of California and elsewhere, for the purpose of executing a material scheme to
15 defraud Wells Fargo Bank, and to obtain monies and funds owned by and under the
16 custody and care of said bank, the defendant,

17 DWIGHT GILCHRIST,
18 aka Michael Colston, David Bangsberg, and Bruce Gilchrist,

19 did cause the following transactions to occur:

Count	Wells Fargo Account No.	Date of Withdrawal	Amount Withdrawn
ELEVEN	6013-423496	February 29, 2000	\$8,000.00
TWELVE	0047-021753	February 28, 2000	\$8,750.00
THIRTEEN	0117-927335	November 22, 2000	\$9,500.00
FOURTEEN	0592-768253	November 24, 2000	\$5,900.00
FIFTEEN	2017-649096	May 15, 2001	\$5,000.00
SIXTEEN	2015-976285	May 15, 2001	\$5,000.00
SEVENTEEN	2017-969429	May 15, 2001	\$5,000.00
EIGHTEEN	0087-065835	May 15, 2001	\$5,000.00

1 All in violation of Title 18, United States Code, Section 1344.
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5 DATED:

6 8/1/06
7

8 A TRUE BILL.
9

10 
11 FOREPERSON

12 KEVIN V. RYAN
13 United States Attorney

14 MARK L. KROTOSKI
15 Chief, Criminal Division

16 (Approved as to form: 
17 AUSA GEIS
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